

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

SHELBI L. SELLERS,)
Plaintiff,)
v.)
MACY'S RETAIL HOLDINGS, INC.) No. 2:12-cv-02496-SHL-tmp
a/k/a ESTEE LAUDER MACY'S)
DEPARTMENT STORE,)
Defendants.)

**ORDER ADOPTING THE REPORT AND RECOMMENDATION ON DEFENDANT'S
MOTION TO DISMISS
AND
ORDER GRANTING DEFENDANT'S MOTION TO DISMISS**

Before the Court is the Magistrate Judge's Report and Recommendation on Defendant's Motion to Compel Arbitration and Dismiss (the "Report and Recommendation"), filed September 20, 2013. (ECF No. 15.) In the Report and Recommendation, the Magistrate Judge recommends that the parties be compelled to arbitrate this matter and the case be dismissed without prejudice. (*Id.* at 26.)

Pursuant to Federal Rule of Civil Procedure 72(b)(2), "[w]ithin 14 days after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations." Fed. R. Civ. P. 72(b)(2). No objections to the Report and Recommendation have been filed, and the time for

filings objections has expired. See Fed. R. Civ. P. 5(b)(2), 6(d), 72(b)(2).

"When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Fed. R. Civ. P. 72(b) advisory committee notes. On clear-error review of the Magistrate Judge's Report and Recommendation, the Court hereby ADOPTS the Report and Recommendation (ECF No. 23) in its entirety.

Accordingly, Defendant's Motion to Compel Arbitration and Dismiss (ECF No. 15) is GRANTED and Plaintiff's Complaint (ECF No. 1) is DISMISSED WITHOUT PREJUDICE.

IT IS SO ORDERED, this 23rd day of June, 2014.

/s/ Sheryl H. Lipman
SHERYL H. LIPMAN
U.S. DISTRICT COURT JUDGE